[illegible]

(c) The amendments to the Asylum Law, which adjusted the mandate of the Inter-Border Court and the Office of Citizenship and Migration Affairs in dealing with asylum applications, which entered into force on 21 November 2015;

(d) The National Strategy for the Prevention of Human Trafficking 2018–2020, on 15 January 2018.

5. The Committee welcomes the ratification of, or accession to, the following international instruments by the State party:

(a) The Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict on 19 December 2005, and on the sale of children, child prostitution and child pornography on 22 February 2006;

(b) The Convention on the Rights of Persons with Disabilities on 1 March 2010;

(c) The Optional Protocol to the Convention on the Rights of Persons with Disabilities on 21 August 2010;

(d) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 19 April 2018.

C. Principal matters of concern and recommendations

Ombudsman's Office

6. The Committee is concerned that the budget cuts have had a negative effect on the capacity of the Ombudsman's Office to exercise its mandate effectively (art. 2).

The State party should provide the Ombudsman's Office with adequate financial and human resources, in order to exercise its mandate in line with the Paris Principles (General Assembly resolution 48/134, annex), and finalize an application for accreditation of the Ombudsman's Office with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

Gender equality

7. While welcoming measures taken by the State party to reduce gender inequality, such as the adoption of the Gender Equality Action Plan 2012–2014, the Committee is concerned at the persistence of a wage gap between men and women of 13–17 per cent in the private sector and at the high unemployment rate of women (arts. 2, 3 and 26).

The State party should:

(a) Adopt concrete measures to ensure that women enjoy equal pay for work of equal value and address the sources of the limited effectiveness of legislation on equal remuneration;

(b) Ensure the equal access of women and men to freely chosen occupations.

Non-discrimination of "non-citizen" residents and linguistic minorities

8. The Committee remains concerned at the status of "non-citizen" residents and the situation of linguistic minorities. In particular, it is concerned about the impact of the State language policy on the enjoyment of the rights in the Covenant, without any discrimination, by members of linguistic minorities, including the right to choose and change one's own name and the right to an effective remedy. The Committee is further concerned at the

discriminatory effects of the language proficiency requirement on the employment and work of minority groups (arts. 2, 26 and 27).

The State party should enhance its efforts to ensure the full enjoyment of the rights in the Covenant by "non-citizen" residents and members of linguistic minorities, and further facilitate their integration into society. The State party should review the State Language Law and its application, in order to ensure that any restriction on the rights of non-Latvian speakers is reasonable, proportionate and non-discriminatory, and take measures to ensure access by non-Latvian speakers to public institutions and facilitate their communication with public authorities. The State party should also consider offering more Latvian language courses free of charge to "non-citizen" and stateless persons who wish to apply for Latvian citizenship.

Trafficking in human beings

9. The Committee is concerned that trafficking in human beings persists in the State party, which also remains a country of origin for trafficking in human beings for sexual and labour exploitation, in particular of young women aged 18–25. The Committee is further concerned at insufficient identification and referral mechanisms, as evidenced by the low figures on identified and possible victims of trafficking and the slow progress in implementing measures against trafficking (arts. 3 and 8).

The State party should:

(a) Enhance proper identification and referral mechanisms and increase training for law enforcement officials and other professionals to improve their capacity to assist victims of trafficking;

(b) Promptly, effectively and impartially investigate, prosecute and punish all acts of trafficking in human beings and other related offences;

(c) Reinforce the mechanisms of support, rehabilitation, protection and redress, including the State-funded social rehabilitation services and assistance in reporting incidents of trafficking to the police, and ensure their availability to all victims of trafficking, as relevant;

(d) Carry out awareness-raising campaigns on the criminal nature of trafficking in human beings.

Violence against women, including domestic violence

9. The Committee is concerned about insufficient reporting and investigation by the police of cases of violence against women, including domestic violence and rape, the absence of protection measures, in particular restraining orders against perpetrators of domestic violence, and the lack of systematic assistance to the victims of such acts. The Committee also regrets the absence of specific legislation proscribing domestic violence and spousal rape (arts. 3 and 7).

The State party should:

(a) Consider establishing domestic violence and spousal rape as specific crimes in its Criminal Law;

(b) Encourage the reporting by victims of cases of violence against women, including domestic violence and spousal rape;

(c) Ensure that cases of violence against women, including domestic violence and spousal rape, are thoroughly investigated and that the perpetrators are

prosecuted and, if convicted, punished with appropriate sanctions, and the victims are adequately compensated;

(d) Improve its research and data collection methods in order to establish the magnitude of the problem, its causes and the consequences for women;

(e) Ensure adequate assistance, including psychosocial counselling, and the availability of a sufficient number of adequately resourced shelters.

Right to life

10. The Committee is concerned about deficiencies in reporting on the results of investigations and prosecutions and the application of appropriate penalties in instances of death in places of detention (including cases of suicide and drug intoxication). The Committee is also concerned about the lack of an independent mechanism for examination of instances of death in psychiatric institutions (art. 6).

The State party should ensure that all instances of death in places of detention are properly investigated and reported. The State party should also ensure that independent reviews and evaluations of the work of the commissions established following a death in a psychiatric institution, which only consist of medical personnel and members of the administration of the hospital concerned, are carried out periodically.

Torture

11. The Committee is concerned that the penalties for acts of torture, stipulated in several articles of the Criminal Law, do not represent appropriate sanctions for such criminal acts and that acts of torture are subject to a statute of limitations, the duration of which is not commensurate with the gravity of the crime. The Committee is also concerned at reports of inadequate observance of article 7 of the Covenant in the context of extraditions (art. 7).

The State party should:

(a) Include torture as a specific crime in the Criminal Law and stipulate sanctions for acts of torture which are commensurate with the gravity of such offences;

(b) Amend the statute of limitations for acts of torture to be commensurate with the duration of statutory limitations for other crimes of a serious nature under the law of the State party, so that all acts of torture, including attempted acts of torture and complicity and participation in their commission, can be effectively investigated, and as relevant, prosecuted and punished;

(c) Ensure that it complies with the requirements of article 7 of the Covenant when determining the permissibility of extraditions.

Investigation of torture and ill-treatment by law enforcement officers

12. The Committee notes with satisfaction the intention of the State party to reform the Internal Security Office of the State Police, as well as the Prison Authority; however, it remains concerned that the Internal Security Office of the State Police and the Prison Authority, which are mandated to investigate unlawful conduct by members of the police and prison staff, are not fully independent, as complaints are investigated by a police force investigator and senior members of the prison authority. The Committee is also concerned at continued reports of instances of physical violence and ill-treatment of detainees by law

enforcement personnel and the low numbers of effective investigations and disciplinary sanctions for such acts (arts. 2, 7 and 10).

The State party should:

(a) Take appropriate measures to establish an independent mechanism to carry out investigations of alleged misconduct by police officers and prison staff;

(b) Ensure that law enforcement personnel continue to receive training on the investigation of torture and ill-treatment, on the basis of the Istanbul Protocol (Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment);

(c) Ensure that allegations of torture and ill-treatment are effectively investigated and that alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions and that the victims are adequately compensated;

(d) Safeguard the effectiveness of the complaints mechanisms for reporting cases of ill-treatment and abuse in prisons.

Detention on remand

13. The Committee is concerned about instances of lengthy detention on remand at the pretrial phase of criminal proceedings, large numbers of detainees on remand, amounting to around 29 per cent of the incarcerated population, and the practice of lengthy police detention for administrative offences. The Committee also regrets the absence of data on the length of pretrial detention on remand and the frequency of its application (arts. 9 and 14).

The State party should take urgent measures to reduce the length and frequency of pretrial detention on remand and devise alternative measures to incarceration; compile reliable data on the length and frequency of pretrial detention; and eliminate the practice of detention for administrative offences from its system of law enforcement.

Asylum seekers

14. The Committee is concerned about the lack of clear legal grounds, on the basis of which asylum seekers may be placed in detention upon arrival, reports of the protracted detention of asylum seekers, including children, in facilities with poor conditions and obstacles in gaining access to asylum procedures at some border crossings. The Committee is also concerned at the determination of refugee or asylum status through the accelerated procedure. It also regrets reported expulsions of refugees and asylum seekers based on article 3 of the Asylum Law, before an appeal against deportation has been adjudicated, if they are regarded as posing a threat to national security or public order and safety, notwithstanding the possible exposure of those deported to a violation of their rights under article 7 of the Covenant in the country of return (arts. 7, 9, 10 and 13).

The State party should:

(a) Ensure strict respect for the principle of non-refoulement;

(b) Amend the Asylum Law to establish safeguards against the arbitrary detention of asylum seekers and ensure that all persons in need of international protection receive appropriate and fair treatment at all stages and can benefit from procedural safeguards, in particular during the accelerated procedure;

(c) Ensure that decisions on expulsion, return or extradition are dealt with expeditiously, in accordance with the due process of the law, including the suspensive effect of appeals against decisions concerning asylum;

(d) Ensure that the detention of asylum seekers is used only as a measure of last resort, for the shortest possible period, and that such detention is necessary and proportionate in the light of individual circumstances, and avoid detaining minors;

(e) Ensure that living conditions and treatment in all immigration detention centres are in conformity with international standards;

(f) Guarantee access to standardized asylum procedures and establish a referral procedure between the Office of Citizenship and Migration Affairs and the State Border Guard at all border points, in compliance with international norms and standards.

Conditions in police, remand and prison facilities

15. While acknowledging improvements in certain areas, the Committee is concerned at the substantial number of complaints about poor material conditions in many police, remand and prison facilities, and that a number of deficiencies remain, in particular concerning the insufficient partition of hygienic areas in prison multi-occupancy cells, the prevalence of violence among prisoners and the excessive use of special measures, such as the hand-cuffing of prisoners serving life sentences, without an assessment of their individual circumstances (art. 10).

The State party should:

(a) Guarantee safeguards to inmates in accordance with article 10 of the Covenant;

(b) Take additional steps to improve material conditions, including space, in police, remand and prison facilities;

(c) Provide adequate numbers of supervisory staff to prevent violence among prisoners.

Psychoneurological hospitals and State-run social care centres

16. The Committee is concerned at the lack of State regulation of the application of compulsory medical treatment, physical restraints and restrictions of the right to privacy in psychoneurological hospitals. The Committee is also concerned at shortcomings in State-run social care centres for adults with mental disabilities, such as the lack of accor...nodation alternatives and inappropriate activities, and in particular at the application of forced medication in high dosages and the use of isolation wards (arts. 2, 7, 9, 10, 17 and 26).

The State party should:

(a) Review its policy and devise a proper regulatory framework for mental health and social care institutions in order to ensure that any decision to use restraints and coercive force in such institutions be made after a thorough and professional medical assessment that determines the amount of restraint or coercive force to be applied, and that any restrictions be legal, necessary and proportionate to the individual circumstances and include guarantees of an effective remedy;

(b) Ensure that non-consensual use of psychiatric medication, electroconvulsive therapy and other restrictive and coercive practices in mental health services is generally prohibited. Non-consensual psychiatric treatment may only be

applied, if at all, in exceptional cases as a measure of last resort, where absolutely necessary for the benefit of the person concerned, provided that he or she is unable to give consent, for the shortest possible time, without any long-term impact and under independent review;

(c) Promote psychiatric care aimed at preserving the dignity of patients, both adults and minors;

(d) Offer adequate community-based or alternative social care services for persons with psychosocial and mental disabilities to provide less restrictive alternatives to forcible confinement;

(e) Devise a programme of adequate activities and ensure sufficient accommodation space for persons in social care centres;

(f) Ensure an effective and independent monitoring and reporting system for mental and social care institutions, aimed at effectively investigating and sanctioning abuses and providing compensation to victims and their families.

The right to a fair trial

17. The Committee is concerned at reported delays in the completion of criminal trials involving detention on remand while awaiting final judgements, the practice of which is inconsistent with the right to a fair trial (art. 14).

The State party should take appropriate measures to observe safeguards of the right to a fair trial effectively, including a timely delivery of judgments.

Freedom of expression

18. The Committee is concerned that the investigation of a physical attack against the journalist Leonids Jakobsons has been pending since March 2012 (art. 19).

The State party should guarantee freedom of expression and freedom of the press, as enshrined in article 19 of the Covenant and interpreted in the Committee's general comment No. 34 (2011) on article 19: freedoms of opinion and expression, including by effectively investigating attacks against journalists.

Protection against hate crimes

19. The Committee is concerned at reports of racist speech, acts of violence and discrimination against vulnerable groups, including Roma and lesbian, gay, bisexual and transgender persons, and at a reported increase in incidents of violence against minorities in recent years. The Committee is also concerned at the inadequate application of the legislative framework against hate crime with respect to lesbian, gay, bisexual and transgender persons. The Committee is furthermore concerned at allegations of insufficient hate crime recording, monitoring, investigation and prosecution (arts. 20 and 26).

The State party should

(a) Strengthen its strategies to fight against racially motivated crimes and counter the use of racist discourse in politics and in the media;

(b) Implement criminal law provisions aimed at combating racially motivated crimes, punish perpetrators with appropriate penalties and facilitate the reporting procedure for hate crimes;

(c) Define incitement to violence on grounds of sexual orientation or gender identity as a criminal offence.

National minorities and education

38. While noting the [illegible] on the introduction of bilingual education in Latvian and one of seven minority languages, the Committee is concerned at the possibly negative effects on retention of the teaching of Latvian as the language of instruction, based on the Education Law, and the gradual decrease of measures to support the teaching of minority languages and cultures in minority schools (arts. 26 and 27).

The State party should urgently reassess its proposed measures to prevent the negative effects on retention of the transition to Latvian as the language of instruction and in particular to ensure the lack of textbooks in some subjects and the lack of quality of materials and training in the Latvian language for non-Latvian teachers. The State party should also take further steps in support of the teaching of minority languages and cultures in minority schools.

Roma

39. The Committee is concerned that Roma continue to suffer from discrimination and social exclusion, especially in the areas of employment, housing, health and education. The Committee is particularly concerned that certain municipalities have continued to exclude Roma children by placing them in separate classes from other children, which prevents them from receiving an equal quality of education and limits their subsequent opportunities (arts. 26 and 27).

The State party should urgently take measures to ensure effective enjoyment by Roma of all the rights under the Covenant, without any discrimination, and take, in particular, immediate steps to eradicate the segregation of Roma children in the education system by ensuring that placement in schools is carried out on an individual basis, after due assessment of the child's circumstances and capacities, and is not adversely influenced by the child's ethnic origin or socially disadvantaged conditions.

40. The State party should widely disseminate the Covenant, the two Optional Protocols to the Covenant, the text of the third periodic report, the written responses that provided a response to the list of issues drawn up by the Committee and the present concluding observations, so as to increase awareness of the rights in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public. The Committee also suggests that the report and the concluding observations be translated into the other commonly used languages of the State party. The Committee also requests the State party, when preparing its fourth periodic report, to consult broadly with civil society and non-governmental organizations.

41. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on the implementation of the recommendations made in paragraphs 10, 19 and 20 above.

42. The Committee requests the State party, in its next periodic report, due to be submitted by 29 March 2020, to provide specific and up-to-date information on all its recommendations and on the Covenant as a whole.